

**Security Council**

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**Report of the Secretary-General concerning the situation
in Abkhazia, Georgia****I. Introduction**

1. The present report is submitted pursuant to Security Council resolution 1364 (2001) of 31 July 2001, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 January 2002. It provides an update on the situation in Abkhazia, Georgia, since my report of 24 October 2001 (S/2001/1008).

2. My Special Representative for Georgia, Dieter Boden, continues to head UNOMIG. He is assisted in his task by the Chief Military Observer, Major General Anis Ahmed Bajwa (Pakistan). The strength of UNOMIG on 1 January 2002 stood at 107 military observers (see annex).

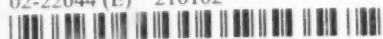
II. Political process

3. A significant step forward was taken in mid-December when my Special Representative, in consultation with the Group of Friends of the Secretary-General, was able to finalize the paper on "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi". More than two years after the adoption of Security Council resolution 1255 (1999) of 30 July 1999, mandating my Special Representative to submit proposals for the consideration of the parties on the distribution of constitutional competences between Tbilisi and Sukhumi as part of a comprehensive settlement, there is now a text and a letter of transmittal that have the full support of all members of the Group of Friends. They are to be presented to the parties as a basis for

meaningful negotiations on the future status of Abkhazia within the State of Georgia.

4. Subsequently, my Special Representative held consultations in Sukhumi and Tbilisi to prepare the ground for substantive negotiations on the basis of the competences paper. The Special Envoy of the Russian Federation also visited Sukhumi for the same purpose. During these consultations, the Abkhaz de facto Prime Minister, Anri Bergenia, rejected any suggestion that Abkhazia was "within the State of Georgia" and was not prepared to receive the paper and transmittal letter.

5. A major stumbling block has been the continued presence of Georgian troops in the Kodori Valley in violation of the 1994 Moscow Agreement. They were deployed in October in connection with the fighting and bombardments in the area (see S/2001/1008, paras. 18-23). The Abkhaz side has stated that it is not willing to discuss any subject with the Georgian side as long as these forces have not been withdrawn. My Special Representative repeatedly urged the Georgian side to comply with the 1994 Moscow Agreement and withdraw the troops. The Group of Friends undertook a similar démarche on 14 December. On 15 and 17 January 2002, my Special Representative brought the two sides together for direct talks on the situation in the Kodori Valley. They agreed on a protocol providing that UNOMIG would resume patrolling on 1 February 2002 based on security arrangements to be worked out with both parties and confirm that there are no heavy weapons in the lower Kodori Valley and the Tqvarcheli area; that simultaneously Georgia would begin the withdrawal of its troops; and that the Abkhaz side would undertake not to deploy forces in the upper part of the valley and not to take military action against the civilian population. They further agreed to meet again



in the first 10 days of February to determine when the withdrawal should be completed.

6. In the wake of the October events in the Kodori Valley, the contacts between the sides came practically to a standstill. No meetings were held within the framework of the Coordinating Council, nor could any progress be made on the implementation of the recommendations of the Joint Assessment Mission to the Gali district (see S/2001/59, annex II) to alleviate the plight of displaced persons and returnees. Public statements by political figures further disturbed the atmosphere, including statements by some Georgian politicians intimating that they had not completely ruled out a military option.

7. The lack of movement was partly attributable to internal developments on both sides. In Tbilisi, the dismissal of the Georgian Government on 1 November 2001 effectively immobilized the executive until mid-December. In Sukhumi, the Abkhaz leader, Vladislav Ardzinba, was incapacitated by illness and de facto Prime Minister Jergenja faced an unprecedented no-confidence vote in the Parliament on 31 October, which he, however, won by 28 votes to 7.

III. Operations of the United Nations Observer Mission in Georgia

8. UNOMIG continued regular patrolling in its area of responsibility, except the Georgian-controlled upper part of the Kodori Valley. Patrols were conducted from UNOMIG headquarters in Sukhumi and sector headquarters in Gali and Zugdidi. The military observers aimed to patrol every village in the security zone once a week and in the restricted weapons zone every two weeks. On 20 December, UNOMIG and the peacekeeping force of the Commonwealth of Independent States (CIS) resumed joint ground patrols in the Abkhaz-controlled lower Kodori Valley, which had been suspended after the October hostilities. The Chief Military Observer has been exploring, in consultation with the two sides and the CIS peacekeeping force, modalities for resuming patrols in the upper part of the valley.

9. UNOMIG conducted two air patrols in the Zugdidi sector since the downing of its helicopter on 8 October (see S/2001/1008, para.20). However, the air patrols were suspended when UNOMIG received information about an irregular armed group with

missile launchers. At present, only high priority flights, such as medical evacuations, are allowed over land.

10. From 27 to 31 October, aircraft conducted bombing raids at the Marukh pass north of the Kodori Valley, near the Russian border. The Abkhaz side took responsibility for those bombings. Since then, the situation in the area of operation has remained relatively calm but unstable. Nine shooting incidents were reported, among them, on 10 November, an attack on the Tagiloni customs post on the Abkhaz-controlled side of the ceasefire line; an Abkhaz official was killed and another seriously wounded. On 17 November, an armed group ambushed a CIS peacekeeping force patrol 30 km north-east of Zugdidi, injuring one CIS soldier. On 29 December, an armed group attacked the head of Pirveli Gali administration, who returned fire and killed one of the assailants. On three occasions, in the second half of December, checkpoints of the CIS peacekeeping force came under small arms fire; two soldiers were wounded.

11. As in the past, crime has escalated in the Gali area with the beginning of the mandarin harvest. This has highlighted again the weakness of law enforcement in the area. Abductions also continued on both sides of the ceasefire line. Direct negotiations between Georgian and Abkhaz local authorities resulted in exchanges, on 15 and 31 December, of four Abkhaz and two bodies against the bodies of five Georgians. However, the Abkhaz side still holds at least four civilians and five fighters taken prisoner during the hostilities in the Kodori Valley. No confirmed information is available about the number of people held on the Georgian side.

12. In the Zugdidi area, on 21 and 25 December, groups of internally displaced persons blocked UNOMIG patrols in protests aimed at pressuring the Georgian authorities to pay their allowances. Each time, the military observers were able to leave safely and the incidents were resolved together with the local authorities.

13. The Joint Fact-Finding Group, which brings together the two sides, the CIS peacekeeping force and UNOMIG, concluded investigations into six cases identified as violations of the 1994 Moscow Agreement or as politically motivated. Another five cases were closed because of the lack of information. The Joint Fact-Finding Group continued to face problems in ensuring continuity of evidence, e.g. by sealing the scene of incidents pending the Group's arrival and

ensuring relevant representation at its meetings, especially by the Abkhaz side.

IV. Security situation

14. Security remained of particular concern to the Mission. Two mine incidents in the Gali region, involving local civilians, and two in the Kodori Valley, involving CIS patrols, demonstrated that mines still constitute a threat. UNOMIG suspended its patrolling in the affected areas until mine searches were undertaken by the CIS peacekeeping force. Some restrictions on patrolling were also imposed in the Zugdidi sector following the discovery of two containers with radioactive materials near Potskhoztseri at the end of December.

15. As in the past, UNOMIG personnel continued to be victims of personal crimes. In the past three months, one armed robbery, one theft from a vehicle and one attempted robbery were reported. The comparatively small number of incidents can be attributed, in part, to improved security measures, which are constantly updated.

16. The technical investigation of the helicopter shot down on 8 October (see S/2001/1008, para. 20) continued. It is led by Ukraine, the country of registration of the helicopter.

V. Cooperation with the collective peacekeeping forces of the Commonwealth of Independent States

17. UNOMIG and the CIS peacekeeping force continued their close cooperation at all levels, including joint patrols under the auspices of the Joint Fact-Finding Group and in the Kodori Valley. The Chief Military Observer of UNOMIG and the Commander of the CIS peacekeeping force held regular meetings and conducted jointly the weekly quadripartite meetings. Communication and exchange of information between UNOMIG and the CIS peacekeeping force improved.

18. As previously reported, the Georgian Parliament adopted a resolution on 11 October 2001 calling for the withdrawal of the CIS peacekeeping force. In the absence of formal action by the Georgian Government,

the mandate of the force lapsed on 31 December. However, President Shevardnadze has since indicated publicly that Georgia was in favour of the extension on condition that the mandate is modified. Meanwhile, the CIS peacekeeping force continued with its normal operations.

VI. Humanitarian situation and human rights

19. International humanitarian agencies and non-governmental organizations continued their activities (see S/2001/1008, paras. 34 and 35) to assist the most vulnerable in Abkhazia, Georgia. Some programmes were suspended during the fighting in the Kodori Valley in October; most of those were resumed by early November. International non-governmental organizations continued to be hampered by restrictions on border crossings between Abkhazia, Georgia, and the Russian Federation at the Psou River.

20. The Office of the United Nations High Commissioner for Refugees (UNHCR) has almost completed the rehabilitation of 24 schools in the Gali district. Owing to events in the Kodori Valley and the situation in its area of operations, UNHCR did not, however, start rehabilitation of 20 additional schools as planned. In Sukhumi, UNHCR provided assistance to elderly displaced persons.

21. In November, the United Nations Development Programme (UNDP) and the German Government, in the presence of my Special Representative, signed an agreement whereby UNDP will implement, as part of the peace process, a telecommunications rehabilitation programme. This programme will serve displaced persons and returnees on both sides of the ceasefire line, extend links to Sukhumi and connect Tbilisi and the upper Kodori Valley. The Georgian and Abkhaz sides jointly identified the programme needs under the auspices of Working Group III of the Coordinating Council, which deals with socio-economic issues. The initial grant contribution from the German Government is \$150,000.

22. The human rights situation in Abkhazia, Georgia, remained difficult. The situation was particularly serious in the Gali district, where a high level of criminality and violence prevailed. The United Nations Human Rights Office in Abkhazia, Georgia, continued to provide legal advice to the local population, monitor detention facilities and assist non-governmental

organizations. From 12 to 16 December, the office conducted a human rights training seminar for de facto Abkhaz law enforcement agencies. Violation of the right to freedom of speech has been of serious concern, in particular a harassment campaign against the editor of the weekly *Nuzhnaya Gazeta* and members of her family, who were stalked with demands to leave Abkhazia. The investigation into the assassination, on 15 August 2000, of Zurab Achba, a legal assistant at the human rights office, remains inconclusive despite appeals by my Special Representative to the local law enforcement agencies (see also S/2000/1023, para. 25; S/2001/59, para. 23, and S/2001/401, para. 29).

VII. Financial aspects

23. By its resolution 55/267 of 14 June 2001, the General Assembly appropriated an amount of \$27,896,341 (gross), equivalent to \$2,324,695 (gross) per month for UNOMIG for the period from 1 July 2001 to 30 June 2002. The assessment of these amounts is subject to the decision of the Security Council to extend the mandate of the Mission. Should the Security Council decide to extend the mandate of UNOMIG beyond 31 January 2002, as recommended in paragraph 28 below, the cost of maintaining the Mission until 30 June 2002 would be limited to the monthly amounts approved by the General Assembly. I shall report to the General Assembly on the additional requirements needed, if any, for the maintenance of the Mission beyond 30 June 2002. As at 15 December 2001, unpaid assessed contributions to the UNOMIG Special Account amounted to \$15 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to \$1.9 billion.

VIII. Observations

24. The last three months have seen progress in the political process. The finalization, after two years of discussions, of the paper on the distribution of competences between Tbilisi and Sukhumi was a significant step forward. This paper now enjoys the support of all members of the Group of Friends of the Secretary-General. Nevertheless, there are continuing objections, particularly on the Abkhaz side. It is worth emphasizing, therefore, that the paper on the distribution of competences is simply a means to open the door to substantive negotiations, in which the parties themselves will work out a settlement. Both

sides should seize the moment to advance along the road to a peaceful solution to the conflict and I urge in particular the Abkhaz side to review its position.

25. Relative calm returned to the UNOMIG area of operation following the hostilities of late summer and early autumn. Nevertheless, tensions remained high, fuelled by militant rhetoric, the continuing presence of Georgian troops in the upper Kodori Valley and uncertainty about the mandate of the CIS peacekeeping force. Here, the Georgian side can make a significant contribution. The agreement reached on 17 January on the withdrawal of the Georgian troops from the Kodori Valley is to be welcomed and should be implemented expeditiously and fully. Similarly, it is to be hoped that an agreement will be reached on the extension of the mandate of the CIS peacekeeping force.

26. The two sides should also make good use of the mechanisms of the Coordinating Council and implement the Yalta Programme of Action on Confidence-building, as well as the recommendations of the Joint Assessment Mission to the Gali district. The safe return of refugees and displaced persons to their homes is of prime importance. The Abkhaz side bears a particular responsibility to protect returnees in the Gali district and facilitate the return of the remaining displaced population.

27. Ensuring the safety and security of UNOMIG personnel remains a continuing concern. It is deplorable that neither those who shot down the UNOMIG helicopter on 8 October 2001 nor those who took UNOMIG personnel hostage on five occasions between 1997 and 2000 have yet been identified and brought to justice. Both sides have an obligation to provide security for the Mission so that it can carry out its mandate.

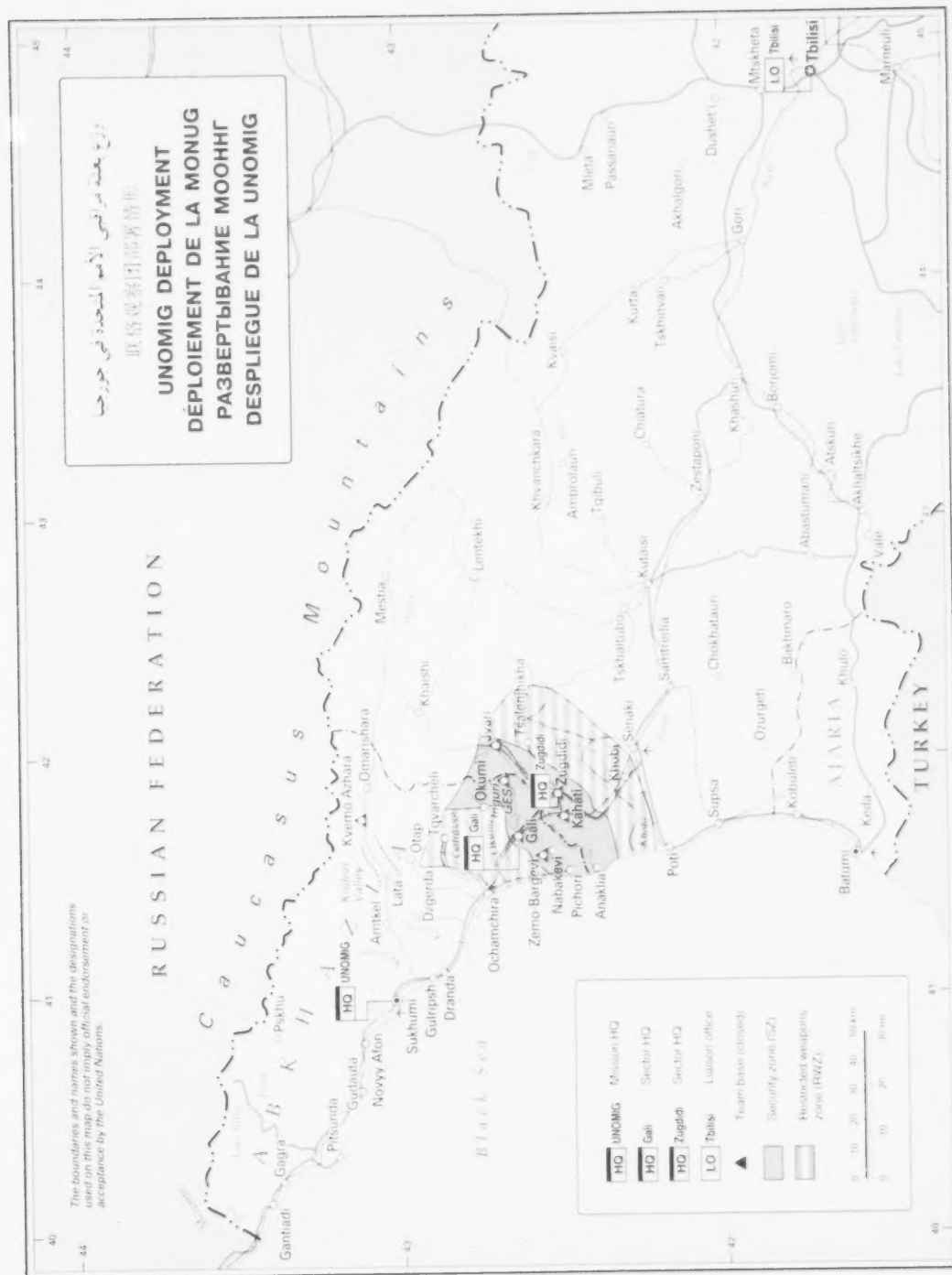
28. As developments over the last six months have again shown, UNOMIG continues to play an important role in the stabilization of the zone of conflict and in the search for a political settlement. I therefore recommend that its mandate be extended for a further six-month period, until 31 July 2002.

29. In conclusion, I would like to express appreciation to the Special Representative, Dieter Boden, and the Chief Military Observer, Major General Anis Ahmed Bajwa, for their leadership and to commend the members of the mission for their commitment and courage in carrying out their difficult and often dangerous tasks.

Annex

Countries providing military observers (as of January 2002)

<i>Country</i>	<i>Military observers</i>
Albania	1
Austria	2
Bangladesh	7
Czech Republic	5
Denmark	5
Egypt	3
France	3
Germany	11
Greece	4
Hungary	7
Indonesia	4
Jordan	6
Pakistan	8
Poland	4
Republic of Korea	5
Russian Federation	3
Sweden	5
Switzerland	4
Turkey	5
Ukraine	3
United Kingdom of Great Britain and Northern Ireland	7
United States of America	2
Uruguay	3
Total	107



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